

KABI200013192019



IN THE COURT OF THE CIVIL JUDGE & JMFC.,
AT: HAGARIBOMMANAHALLI

DATED THIS THE 2nd DAY OF AUGUST 2025

: **PRESENT:**

SRI. **SAYED MOHIUDDIN URF KHAWAJA PEERAN.**, BA. LLB.,(Spl.)
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI.

O.S.No.156/2019

PLAINTIFF/s : Metri Goneppa S/o Late Metri Sakrappa,
Aged about: 65 years, Occ: Agriculturist,
R/o Old H.B.Halli, H.B.Halli Taluk,
Ballari District.

Vs

- DEFENDANTS/s: 1) Smt.Metri Renukamma W/o Late Metri Giriyappa,**
Aged about: 65 years, Occ:Housewife,
R/o: House No.30, 13th Ward, Nethaji
Colony, near Anganawadi, T.B.Dam,
Hosapete Taluk, Ballari District.
- 2) **Smt.Metri Kamamma W/o Late Metri Hulugappa,**
Aged about: 65 years, Occ:Housewife,
R/o: Old H.B.Halli, H.B.Halli Taluk,
Ballari District.
- 3) **Smt.Baramavva W/o Baramappa,**
Aged about: 79 years, Occ:Housewife,
R/o: Chintrapali, H.B.Halli Taluk,
Ballari District.

- 4) **Smt.Gangamma W/o Thindappa,**
Aged about: 76 years, Occ:Housewife,
R/o: Kyadigihalli Village, H.B.Halli Taluk,
Ballari District.
- 5) **Smt.Sarvakka W/o Ramappa,**
Aged about: 75 years, Occ:Housewife,
R/o: Ankli Village, Huvinahadagali
Taluk, Ballari District.

I.A.No.IX AND X

**APPLICANT/PLAINTIFF: Metri Goneppa S/o Late Metri
Sakrappa,**

(Rep. by Sri.**A.K.**, Advocate)

V/s

**RESPONDENTS/DEFENDANTS: Smt.Metri Renukamma W/o
Late Metri Giriyappa and others,**

(Def.No.1 Rep. by Sri.**B.M.A.**, Advocate)
(Def.No.2 & 3 placed exparte)
(Def.No.4 & 5 Rep. by Sri.**B.P.**, Advocate)

**ORDER ON I.A.NO.IX and X FILED BY THE PLAINTIFF UNDER
ORDER 1 RULE 10 R/w Sec.151 OF CPC**

The plaintiff has filed the I.A.No.IX and X under Order 1 Rule 10 R/w Sec.151 of CPC., to implead the proposed defendants as defendants in the present suit.

2. In the accompanying affidavits to the I.A.IX and X, it is stated by the plaintiff that he has filed the present suit against the defendants for the relief of partition and separate possession with respect of suit schedule properties. During the pendency of the suit the proposed defendants have purchased the suit schedule properties without the consent and knowledge of the plaintiff.

3. After filing of the applications, notice on I.A.No.IX and X were issued to the proposed defendants. The proposed defendants have appeared before the Court through their respective Counsels and filed their objections. In the objections to I.A.IX it is contended by the proposed defendant that the plaintiff is not clearly stated which property has been sold, B.Basavaraj S/o Buddi Basappa has purchased the said property. Therefore, the vendor of the proposed defendant not a party to the suit, he has purchased the said property after verifying all the documents, the said property was fallen to the share of husband of the defendant No.1 under partition. The said property was mutated in the name of defendant No.1 and she was in possession and enjoyment of the same. The plaintiff and others were caused obstruction to the peaceful

possession and enjoyment of the defendant No.1. She was filed a suit before the Hon'ble Civil Judge and JMFC, Huvinahadagali in O.S.No.199/1997, the said suit was transferred to this Hon'ble Court in O.S.No.280/1998. The said suit was decreed, no Appeal has been preferred against the said judgment and decree. 1st defendant has sold property to B.Basavaraj S/o Buddi Basappa through a registered sale deed. But the plaintiff has not objected the same. After verifying all the documents the proposed defendant has purchased the said property and applied for change of mutation, the plaintiff has filed objections to the said mutation, in this regard Tahasildar registered the case as RRT Dispute No.81/2022 and passed an order to effect the mutation. The plaintiff has not challenged the said mutation orders. The plaintiff has no locus-standi to file the present suit because already the right of the defendant No.1 was decided in O.S.No.280/1998. The B.Basavaraj is the bonafide purchaser of the suit schedule property from the defendant No.1. Therefore the proposed defendant is not a necessary party to the present suit.

In the objections to I.A.No.X, the proposed defendant contended that the proposed defendant is the bonafide purchaser to the Sy.No.191/B1 under the registered sale deed and she is in possession and enjoyment of the same. The proposed defendant having all valid documents in her favour, she has purchased the said land after verifying all the documents. The plaintiff with an intention to harass the proposed defendant filed the said applications. Hence she prays to dismiss the applications.

4. Heard the arguments. Perused the documents.
5. The following points arise for my consideration:

- 1) **Whether the plaintiff has made out proper grounds to allow the I.A.No.IX and X?**

- 2) **What order?**

6. My answers to the above points are as under:

Point No.1 : In the **AFFIRMATIVE**

Point No.2 : As per final order for the following: -

REASONS

7. The present suit is filed by the plaintiff against the defendants for the relief of partition and separate possession with respect of suit schedule properties. The plaintiff has filed the above said applications to implead the proposed defendants as the defendants in the suit. According to the plaintiff the proposed defendants are the pendente-lite purchasers of the suit schedule properties. The proposed defendants have appeared before the Court and filed their objections. But they have not denied that they were purchased the suit schedule properties during pendency of the suit. They have taken the contentions which have explained above in detail, the said contentions will be decided only after full fledged trial. As per the contentions of the parties, it appears that the proposed defendants are the pendent-lite purchasers of the suit schedule property. The presence of the proposed defendants is necessary for passing effective decree and proper adjudication of the matter. In the reported decision **2022 SCC Online SC 1312 Ramakumar V/s State of Uttar Pradesh and others**, the Hon'ble Supreme Court of India in Para No.15 of the said decision held that

A necessary party is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the Court. Further held that a proper party is a party who, though not a necessary party, is a person whose presence would enable the Court to completely, effectively and adequately adjudicate upon all matters in dispute in this suit, though he need not be a person in favour of or against whom the decree is to be made. As per the contention of both the parties the proposed defendants are appears to be proper parties to the present suit. Hence, it is just and necessary to allow the applications, otherwise it cause injustice to the plaintiff, further it amounts to multiplicity of proceedings. On the basis of above reasons and discussions, I answer point No.1 in the **Affirmative**.

8. **Point No.2** :- For the aforesaid reasons and discussions made above, I proceed to pass the following:-

ORDER

I.A.No.IX and X filed by the plaintiff under
Order 1 Rule 10 R/w Sec.151 of CPC., are hereby
allowed.

The proposed defendants are impleaded in the present suit as defendant No.6 and 7.

Plaintiff is directed to amend the cause title of the plaint.

*(Dictated to the Stenographer, transcribed and computerized by her, corrected by me, and then pronounced in the open court on this the **2nd day of AUGUST 2025.**)*

(SAYED MOHIUDDIN URF KHAWAJA PEERAN)
CIVIL JUDGE & JMFC., H.B.HALLI.